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Attorneys for Plaintiff
 CRAIG YATES, an individual;

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES, an individual;
 Plaintiff,

v.

BALOMPIE CAFÉ, 3341 18th STREET
 LLC, a California Limited Liability
 Company; and AMADEO GONZALES
 FIGUEROA an individual dba BALOMPIE
 CAFÉ,
 Defendants.

CASE NO. CV-10-0545-JL

STIPULATION OF DISMISSAL AND
~~PROPOSED~~ ORDER THEREON

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

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1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with prejudice
3 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute one
5 original document.

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7 Dated: February 1, 2011

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

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11 By: /S/ Thomas E. Frankovich
12 Thomas E. Frankovich
13 Attorney for CRAIG YATES, an individual
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16 Dated: February 1, 2011

KAUFMAN DOLOWICH VOLUCK & GONZO, LLP

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19 By: /S/
20 Aaron M. Scolari, Esq.
21 Attorneys for 3341 18th STREET LLC, a California
22 Limited Liability Company
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2 Dated: February 1, 2011

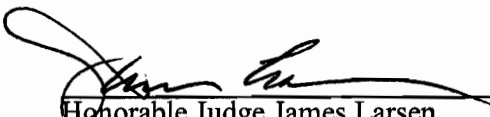
CAZADORES LAW GROUP PC

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6 By: /S/
Hector Jose Chinchilla, Esq.
7 Attorneys for AMADEO GONZALES FIGUEROA
an individual dba BALOMPIE CAFÉ,
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13 **ORDER**

14 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
15 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
16 purpose of enforcing the parties' Settlement Agreement and General Release should such
17 enforcement be necessary.
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19 Dated: 4-22, 2011

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21 Honorable Judge James Larsen
22 UNITED STATE DISTRICT JUDGE
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